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10/026,808	12/27/2001	Masaya Nagata	1248-0572P	1384

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EXAMINER

FERNANDES, CHERYL M

ART UNIT PAPER NUMBER

2163

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,808	Applicant(s) NAGATA, MASAYA	
	Examiner Cheryl M. Fernandes	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29,31,33,35,37,39,41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29,31,33,35,37,39,41 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Amendment filed November 18, 2005.
Claims 1-29, 31, 33, 35, 37, 39, 41, and 43 are pending. Claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43 are amended.

Response to Arguments

2. Referring to the 35 USC 112 second paragraph rejection of claims 1, 8, 15-19, 24, 29, 31, 33, 35, 37, 39, 41, and 43, Applicant's amendment to the claims are acknowledged. As such, the 35 USC 112 second paragraph rejection of the claims is withdrawn.
3. Referring to the objection to the specification, the objection has been withdrawn.
4. Applicant's arguments with respect to claims 1-29, 31, 33, 35, 37, 39, 41, and 43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-20, 22-25, 27-29, 31, 33, 35, 37, 39, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,478,990 issued to

Montanari et al (hereafter Montanari), and further in view of US Patent Number 5,978,773 issued to Hudetz et al (hereafter Hudetz).

Referring to claim 1, Montanari discloses a label information providing method (Abstract; col. 4, lines 11-52), comprising:

- storing label information related to a label, which shows at least commodity information (labels showing animal and production tracking information, see Fig. 1-2; col. 9, lines 25-60; col. 4, lines 42-52), in storage means by type of a commodity to which the label is affixed (label information stored in database by animal/product code, see Fig. 2; col. 8, lines 35-45; col. 11, lines 8-16);
- accessing the storage means upon receipt of a query received from a user's terminal (database is accessed when label code is scanned by user, col. 4, lines 11-38), wherein the query is based on access destination information (bar-coded labels direct user to production history of food product stored in the database, col. 4, lines 11-38) directly provided on material associated with the commodity (label affixed to food product, col. 4, lines 11-17; Fig. 3 and 5);
- reading out the label information which is required to be downloaded from the storage means (label code is scanned or read by user, col. 4, lines 11-38; label information downloaded/transferred from database to user, col. 11, lines 53-61); and
- transmitting the label information to the user's terminal (col. 11, lines 53-61).

Montanari teaches all of the above claimed subject matter and also teaches a query received from a user's terminal, wherein the query is based on access destination information directly provided on material associated with the commodity (refer to discussion of limitation above).

However, Montanari remains silent as to the query being based on access destination information *including a Uniform Resource Locator*.

However, Hudetz teaches analogous art that includes a query that is based on access destination information including a Uniform Resource Locator (col. 10, line 21 – col. 11, line 39; Fig. 8-10).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Montanari to include a query that is based on access destination information including a Uniform Resource Locator, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify Montanari per the above for the purpose of accessing a remote server to obtain resources regarding a particular product (Hudetz, col. 11, lines 9-20).

Referring to claims 15 and 35, the limitations of the claims are similar to the limitations of claim 1 above in form of a computer program (Montanari, col. 8, lines 35-45). Claims 15 and 35 are therefore rejected for the same reasons discussed in claim 1. In addition, Claims 15 and 35 recite that the reading out of the label information, which is required to be downloaded from the storage means, is performed upon receipt of the query from the user's terminal (Montanari, label information is presented to the user to

be read after being downloaded/transferred from database to the user, col. 11, lines 53-61).

Referring to claims 17, 29, and 37, the limitations of the claims repeat the respective limitations of claim 15 above in the form of a method (Montanari, Abstract; col. 4, lines 11-52). Claims 17, 29, and 37 are therefore rejected for the same reasons discussed in claim 15.

Referring to claims 19 and 41, the limitations of the claims repeat the respective limitations of claim 15 above in form of a device (Montanari, col. 8, lines 35-45). Claims 19 and 41 are therefore rejected for the same reasons discussed in claim 15.

Referring to claim 8, Montanari discloses a label information providing method (Abstract; col. 4, lines 11-52), comprising the steps of:

- storing label information related to a label, which shows at least commodity information (labels showing animal and production tracking information, see Fig. 1-2; col. 9, lines 25-60; col. 4, lines 42-52), in storage means by type of a commodity to which the label is affixed (label information stored in database by animal/product code, see Fig. 2; col. 8, lines 35-45; col. 11, lines 8-16);
- storing the commodity information included in the label information in the storage means by relating the commodity information to the label information

(Abstract; col. 4, lines 42-52; col. 9, lines 51-60, see Fig. 2; col. 10, lines 20-27);

- upon receipt of a query received from a user's terminal, the query being based on access destination information (bar-coded labels direct user to production history of food product stored in the database, col. 4, lines 11-38) directly provided on material associated with the commodity (label affixed to food product, col. 4, lines 11-17; Fig. 3 and 5), performing a search for label information which is stored in the storage means with reference to inputted commodity information (database is searched when label code is scanned by user, col. 4, lines 11-38); and
- transmitting label information corresponding to a search result to the user's terminal (col. 11, lines 53-61; see claims 20-22 of Montanari).

Montanari teaches all of the above claimed subject matter and also teaches a query received from a user's terminal, wherein the query is based on access destination information directly provided on material associated with the commodity (refer to discussion of limitation above).

However, Montanari remains silent as to the query being based on access destination information *including a Uniform Resource Locator*.

However, Hudetz teaches analogous art that includes a query that is based on access destination information including a Uniform Resource Locator (col. 10, line 21 – col. 11, line 39; Fig. 8-10).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Montanari to include a query that is based on access destination information including a Uniform Resource Locator, as taught by Hudetz.

The ordinary skilled artisan would have been motivated to modify Montanari per the above for the purpose of accessing a remote server to obtain resources regarding a particular product (Hudetz, col. 11, lines 9-20).

Referring to claims 16 and 33, the limitations of the claims repeat the respective limitations of claim 8 above in form of a program (Montanari, col. 8, lines 35-45). Claims 16 and 33 are therefore rejected for the same reasons discussed in claim 8.

Referring to claims 18, 31, and 39, the limitations of the claims repeat the respective limitations of claim 8 above. Claims 18, 31, and 39 are therefore rejected for the same reasons discussed in claim 8.

Referring to claims 24 and 43, the limitations of the claims repeat the respective limitations of claim 8 above in form of a device (Montanari, col. 8, lines 35-45). Claims 24 and 43 are therefore rejected for the same reasons discussed in claim 8.

Referring to claims 2, 9, 20, and 25, the combination of Montanari/Hudetz discloses including access destination information in the commodity (Montanari, col. 10, lines 39-43; Hudetz, see Fig. 9).

Referring to claims 3 and 10, the combination of Montanari/Hudetz discloses that the access destination information is included in the same label that shows commodity information of the commodity (Montanari, see Fig. 2; Hudetz, see Fig. 9, col. 11, lines 9-39).

Referring to claims 4 and 11, the combination of Montanari/Hudetz discloses that the access destination information is included in a label which is different from a label showing commodity information (Montanari, col. 6, lines 10-26; col. 9, lines 51-67, Fig. 2).

Referring to claims 5 and 12, the combination of Montanari/Hudetz discloses that the access destination information is a URL (Hudetz, see Fig. 9).

Referring to claims 6 and 13, the combination of Montanari/Hudetz discloses that the access destination information is bar-coded information of the URL (Hudetz, Fig. 9; col. 11, lines 9-20).

Referring to claims 7 and 14, the combination of Montanari/Hudetz discloses that the label information is electronic data (Montanari, col. 4, lines 30-38; Hudetz, see barcode data in Fig. 9).

Referring to claims 22 and 27, the combination of Montanari/Hudetz discloses storing user information inputted from the user's terminal (Montanari, col. 4, lines 10-52; col. 10, lines 51-61; col. 11, lines 8-16).

Referring to claims 23 and 28, the combination of Montanari/Hudetz discloses storing user information and commodity provider information, which are inputted from the user's terminal by relating the user information to the commodity provider information (Montanari, Abstract; col. 4, lines 10-52; col. 9, lines 51-60, see Fig. 2; col. 10, lines 20-27).

6. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montanari, in view of Hudetz, as applied to claims 19 and 24 above, and further in view of US Patent 6,493,724 issued to Cusack et al (hereafter Cusack).

Referring to claims 21 and 26, while the combination of Montanari/Hudetz discloses all of the above claimed subject matter, and also discloses storage of commodity provider information ('ownership', Montanari, col. 6, lines 27-32), it remains silent as to judging whether or not commodity provider information inputted from the user's terminal exists in the information stored, and only when judging that the commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal.

However, Cusack teaches analogous art that includes judging whether or not commodity provider information inputted from a user's terminal exists in information stored, and only when judging that a commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal (Cusack, col. 10, lines 13-31 (see footnote 5); col. 11, line 31- col. 12, line 9; col. 13, lines 20-23 and 34-43, see footnote 6).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Montanari/Hudetz to include judging whether or not commodity provider information inputted from a user's terminal exists in information stored, and only when judging that a commodity provider information exists in storage, sending out label information corresponding to a search result to the user's terminal, as taught by Cusack.

The ordinary skilled artisan would have been motivated to modify the combination of Montanari/Hudetz per the above for the purpose of enabling highly specific research needs to be very particularly and efficiently met (Cusack, col. 10, lines 24-30).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMF
February 4, 2006



UYEN LE
PRIMARY EXAMINER